

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DERRICK LEE CARDELLO-SMITH,

Plaintiff,

v.

SEAN COMBS,

Defendant.

Case No. 5:24-cv-12647

Hon. Judith Levy

DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S
MOTIONS TO CALL IN WITNESSES [ECF Nos. 129, 140]

STATEMENT OF THE ISSUES PRESENTED

1. Whether Plaintiff has established his entitlement to an Order directing witnesses to appear and give testimony.

Defendant's Answer: No.

CONTROLLING OR MOST APPROPRIATE AUTHORITY

Fed. R. Civ. P. 60(b)

Plaintiff has filed two identical motions asking that the court order witnesses who have purportedly executed affidavits to appear and offer testimony (ECF Nos. 129, 140). Plaintiff does not (and could not) identify any basis for the relief sought. This Court has already dismissed Plaintiff's lone claim with prejudice and entered judgment. ECF Nos. 92, 93. Rule 60 does not permit a party to circumvent a judgment by continuing to litigate a case in District Court after its entry.

CONCLUSION

For the foregoing reasons, Defendant asks that the Court deny Plaintiff's Motions to Call in Witnesses (ECF Nos. 129, 140) in their entirety.

Dated: May 5, 2025

Respectfully submitted,

FINK BRESSACK

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